

PATENT COOPERATION TREATY

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From the
INTERNATIONAL SEARCHING AUTHORITY

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To:

see form PCT/ISA/220

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY (PCT Rule 43bis.1)

Date of mailing

(day/month/year) see form PCT/ISA/210 (second sheet)

Applicant's or agent's file reference
see form PCT/ISA/220

FOR FURTHER ACTION

See paragraph 2 below

International application No.
PCT/US2005/000120

International filing date (day/month/year)
03.01.2005

Priority date (day/month/year)
03.01.2004

International Patent Classification (IPC) or both national classification and IPC
B29C45/16, B29C45/14, B60R13/02

Applicant
JOHNSON CONTROLS TECHNOLOGY COMPANY

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☒ Box No. VII Certain defects in the international application
- ☒ Box No. VIII Certain observations on the international application

2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA"). However, this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of three months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA:



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**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
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Box No. 1 Basis of the opinion

1. With regard to the **language**, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
 - ☐ This opinion has been established on the basis of a translation from the original language into the following language , which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
 - a. type of material:
 - ☐ a sequence listing
 - ☐ table(s) related to the sequence listing
 - b. format of material:
 - ☐ in written format
 - ☐ in computer readable form
 - c. time of filing/furnishing:
 - ☐ contained in the international application as filed.
 - ☐ filed together with the international application in computer readable form.
 - ☐ furnished subsequently to this Authority for the purposes of search.
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

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Box No. V Reasoned statement under Rule 43bis.1(a)(I) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	2-4,6,10
	No: Claims	1,5,7-9,11-17
Inventive step (IS)	Yes: Claims	
	No: Claims	1-17
Industrial applicability (IA)	Yes: Claims	1-17
	No: Claims	

2. Citations and explanations

see separate sheet

Box No. VII Certain defects in the international application

The following defects in the form or contents of the international application have been noted:

see separate sheet

Box No. VIII Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

see separate sheet

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Regarding the points V, VII, VIII.

1. Reference is made to the following documents:

D1: JP-A-2000127862 *
D2: EP-A-0734832
D3: JP-A-10315241
D4: US-A-5626382

* A computer translation can be obtained, free of charge, from the Internet site of the JPO at the address:

<http://www4.ipdl.jpo.go.jp/Tokujitu/tjsogodben.ipdl?N0000=115>

2. The expression " the first cavity" used in claim 1 on line 6 appears not to be linked with the rest of the claim. Therefore claim 1 lacks of clarity.

3. INDEPENDENT CLAIMS 1 AND 2

- 3.1 Document D1 discloses a method of making a vehicle component, the method comprising:

providing a first mold section (50), a second mold section (60), and a shut-off member (7) movable between a first position and a second position;
providing a flexible element (15) (cf. paragraph 16)
positioning the flexible element (15) proximate the first mold section or the second mold section (cf. fig. 5);
providing a first cavity (71) defined by the first mold section, the second mold section, and the shut-off member when in the first position (cf. fig 6);
injecting a first resin into the first cavity (cf. fig 6);
providing a second cavity (72) defined by the first mold section, the second mold section, the first resin, and the shut off member when in the second position (cf. fig 8);
moving the shut-off member from the first position to the second position;
injecting a second resin into the second cavity, cf. abstract.

Therefore the subject-matter of claim 1 lacks novelty (Article 33(2) PCT).

It should be mentioned that these features are also known from D3, cf. abstract and figures 3-8).

- 3.2 Document D2 discloses a trim panel for use in a vehicle, the trim panel comprising:
a one-piece molded member having a first substrate portion made of a first resin (M1), a second substrate portion made of a second resin (M2), and a cushioned layer (30; cf. col. 5, lines 21-29) at least partially covering one of the first substrate portion and the second substrate portion, wherein the one-piece molded member is formed by a process wherein the cushioned layer (30) is positioned into at least one of a first cavity and a second cavity, the first resin (M1) is injected into the first cavity, a retractor member (70) is moved to define a second cavity, and the second resin (M2) is injected into the second cavity, cf. col. 8, line 33 - col. 9, line 34.

Therefore the subject-matter of claim 17 lacks novelty (Article 33(2) PCT).

4. DEPENDENT CLAIMS

- 4.1 The subject-matters of claims 5, 7 to 9, 11 to 16 are also known from D1, cf. paragraphs 6, 13, 14, 16 and figures 4 to 8.
- 4.2 Dependent claims 2-4, 6, 10 do not appear to contain any additional features which, in combination with the features of any claim to which they refer, meet the requirements of the PCT with respect to inventive step. These claims suggest only slight constructional changes in the method of claim 1 which, regard to document D2 to D4, come within the scope of customary practice followed by the person skilled in the art, especially as the advantages thus achieved can readily be foreseen, see the corresponding passages cited in the search report.

5. The following should be noted too:

- 5.1 Contrary to the requirements of Rule 5.1(a)(ii) PCT, the relevant background art

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disclosed in the documents D1 to D4 is not mentioned in the description, nor are these documents identified therein.

- 5.2 According to the requirements of Rule 11.13(l) reference signs not appearing in the description shall not appear in the drawings, and vice versa. This requirement is not met in view of the reference sign (121) in claims and description, (12) in claim 5, (152) and (154) on page 7, (267) on page 12.
- 5.3 The vague and imprecise statement in the description on page 21, last sentence implies that the subject-matter for which protection is sought may be different to that defined by the claims, thereby resulting in lack of clarity (Article 6 PCT) when used to interpret them.